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HEWLETT-PACKARD COMPANY   PATENT APPLICATION
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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):   Ravikumar Pisupati   Confirmation No.: 3020

Application No.: 10/052,612   Examiner: AVELLINO, Joseph E.

Filing Date: January 17, 2002   Group Art Unit: 2143

Title: A Computer Network for Providing Services and a Method of Providing Services with a Computer Network

Mall Stop Appeal Brief-Patents
Commissioner For Patents
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Alexandria, VA 22313-1450
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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on ___February 28, 2008___ .

☒ The fee for filing this Appeal Brief is $510.00 (37 CFR 41.20).

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120   ☐ 2nd Month $460   ☐ 3rd Month $1050   ☐ 4th Month $1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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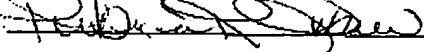☒ A duplicate copy of this transmittal letter is enclosed.

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Ravikumar Pisupati

By

Steven L. Nichols

Attorney/Agent for Applicant(s)

Reg No. :   40,326

Date :   April 23, 2008

Telephone :   801-572-8066
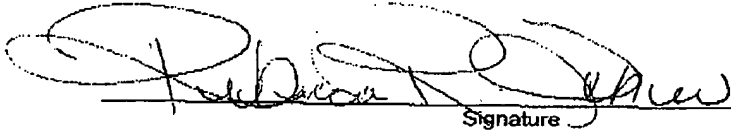
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Application No.: 10/052,612	Attorney Docket No.: 100200239-1

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2. Certificate of Transmission (1 page)
3. Appeal Brief (35 pages)

100200239-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Ravikumar Pisupati

Application No. 10/052,612

Filed: January 17, 2002

For: A Computer Network for Providing
     Services and a Method of Providing
     Services with a Computer Network

Group Art Unit: 2143

Examiner: AVELLINO, Joseph E.

Confirmation No.: 3020

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under Rule 41.37 appealing the decision of the Primary Examiner dated January 15, 2008 (the "final Office Action"). Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

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II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellant is aware.

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III. Status of Claims

Claims 7 and 30 have been cancelled previously without prejudice or disclaimer.

Claims 1-6, 8-29, 31 and 32 are pending in the application and stand finally rejected.

Accordingly, Appellant appeals from the final rejection of claims1-6, 8-29, 31 and 32, which

claims are presented in the Appendix.

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IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of January 15, 2008, from which Appellant takes this appeal.

V. Summary of Claimed Subject Matter

Claim 1 recites:

A computer network for providing services comprising:

a plurality of computing elements (20a-20z) *(Appellant's specification, paragraph 0047)* each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services, wherein said services are controlled or operated by commands or data transmitted via email *(Appellant's specification, paragraphs 0032 and 0062)*;

a mail server (22) for receiving and routing email *(Appellant's specification, paragraphs 0020-0021)*; and

a redirector (51), separate from said mail server (22), communicatively connected to said mail server and each of said computing elements *(Appellant's specification, paragraph 0044)*, wherein said redirector (51) receives email from said mail server (22) *(Appellant's specification, Fig. 5)*, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein said redirector (51) is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, *(Appellant's specification, paragraph 0046)* and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector (51) serves as an email proxy for said plurality of computing elements (20a-20z) *(Appellant's specification, paragraph 0049)*;

wherein said electronic services are controlled by said email routed by said redirector (51) among said plurality of computing elements (20a-20z) *(Appellant's specification, paragraph 0050)*.

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Independent claim 11 recites:

A method of providing services with a computer network that comprises a plurality of computing elements (20a-20z) (*Appellant's specification, paragraph 0047*) each of which comprise general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services that are controlled or operated by commands or data received via email (*Appellant's specification, paragraphs 0032 and 0062*), and a redirector (51), communicatively connected to each of said computing elements (20a-20z) (*Appellant's specification, paragraph 0044 and Fig. 5*); said method comprising:

receiving an email message (100) (*Appellant's specification, paragraph 0051*), said message containing a command or data configured for a specific service on one of said computing elements, wherein said email message relates to said specific service, with or without being addressed to a specific computing element (*Appellant's specification, paragraph 0046*); and

routing at least some of said email message (102) comprising said command or data to a corresponding computing element (20a-20z) to control or execute said specific service (*Appellant's specification, paragraph 0052*), such that said redirector (51) serves as an email proxy for said computing elements (20a-20z) (*Appellant's specification, paragraph 0046*), wherein said redirector (51) determines which computing element receives said command or data from said email message based on the specific service to which that email message relates (*Appellant's specification, paragraph 0049*).

Additionally, claim 26 recites:

A computer network for providing electronic services comprising:

a plurality of computing elements (20a-20z) (*Appellant's specification, paragraph 0047*) each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services, wherein said services can be controlled or executed by

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commands or data transmitted via email (*Appellant's specification, paragraphs 0032 and 0062*);

a mail server (22) for receiving and routing email (*Appellant's specification, paragraphs 0020-0021*); and

a redirector (51), separate from said mail server (22) and said plurality of computing elements (20a-20z), communicatively connected to said mail server (22) and each of said computing elements (20a-20z) (*Appellant's specification, paragraph 0044 and Fig. 5*), wherein said redirector (51) receives email from said mail server (22), wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein said redirector (51) is configured to selectively match an available computing element with a specific service request of an incoming email (*Appellant's specification, paragraph 0046*) and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector (51) serves as an email proxy for said plurality of computing elements (20a-20z) (*Appellant's specification, paragraph 0049*); and

a service handler (50a-50z) on at least one of said computing elements (20a-20z) for automatically obtaining an electronic service using an incoming email and installing that service on the computing element corresponding to the service handler (*Appellant's specification, paragraphs 0022-0024*).

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VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action raised the following grounds of rejection.

(1)   Claims 1, 4-6, 11, 13, 15, 16 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the teachings of U.S. Patent Application Publication No. 2002/0087619 to Tripathi ("Tripathi") in view of U.S. Patent No. 7,231,445 to Aweya et al. ("Aweya") and Peterson et al. (Computer Networks: A Systems Approach; Morgan Kaufmann Publishers; copyright 2000, pages 634-640) ("Peterson").

(2)   Claims 2, 3, 8, 9, 12, 17, 18 and 24 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Tripathi, Aweya Peterson and U.S. Patent No. 5,819,110 to Motoyama ("Motoyama").

(3)   Claims 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Aweya, Peterson, Motoyama and U.S. Patent No. 6,480,901 to Weber et al. ("Weber").

(4)   Claims 22, 23, 26-29, 31 and 32 were rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Aweya, Peterson, and U.S. Patent Application No. US 2002/0156876 to Hartman et al. ("Hartman").

(5)   Claim 25 was rejected under 35 U.S.C. § 103(a) over the combined teaching of Tripathi, Aweya, Peterson, Motoyama and Hartman.

According, Appellant hereby requests review of each of these grounds of rejection in the present appeal.

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VII. Argument

(1) Claims 1, 4-6, 11, 13, 15, 16 and 21 are patentable over Tripathi, Aweya, and Peterson:

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S.__, 82 USPQ2d 1385 (2007):

> "Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." Quoting *Graham v. John Deere Co. of Kansas City,* 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, "[a]ll claim limitations must be considered" because "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the aforementioned *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results;

(B) Simple substitution of one known element for another to obtain predictable results;

(C) Use of known technique to improve similar devices (methods, or products) in the same way;

(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;

(E) "Obvious to try"—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

(F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or

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other market forces if the variations would have been predictable to one of ordinary skill in the art;

(G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S.__, 82 USPQ2d 1385 (2007).

Moreover, to support an obvious rejection it is important to clearly understand all of the elements of the claims at issue, for each element must be found in the prior art references cited. Accordingly, a review of independent claims 1 and 11 and the scope and content of the cited references is in order.

Claim 1:

Claim 1 recites:

A computer network for providing services comprising:
a plurality of computing elements each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services, wherein said services are controlled or operated by commands or data transmitted via email;
a mail server for receiving and routing email; and
a redirector, separate from said mail server, communicatively connected to said mail server and each of said computing elements, wherein said redirector receives email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and *wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements;*
wherein said electronic services are controlled by said email routed by said redirector among said plurality of computing elements.
(Emphasis added).

In contrast, none of the three cited prior art references, Tripathi, Aweya and Peterson, teach or suggest the claimed redirector. Specifically, the references taken in any combination do not teach or suggest an email redirector that is "*configured to selectively match an available computing element with a specific service request of an incoming email, whether or*

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not said email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements...." (Emphasis added).

By way of relevant background, Tripathi teaches a system and a method for managing a server. (Tripathi, abstract and claim 1). Tripathi describes a system that can be used to access server status information, or to manipulate the state of a server using email. (Tripathi, ¶ [0019]). The system functions by allowing a "network administrator" to access a server in order to obtain status information or perform service on the server by sending directions to the server encoded in email messages (Tripathi, ¶ [0019]). Tripathi does not teach or suggest anything like the claimed redirector. Tripathi does not teach or suggest any device that routes email data among a plurality of computing resources based on the availability of computing resources rather than an email address.

Aweya, in comparison, has absolutely nothing to do with email or routing email and does not teach or suggest anything similar to the claimed email redirector. In fact, email is not even mentioned in Aweya. Rather, Aweya teaches a system for managing a server farm that is accessed through a web browser and the world wide web. (Aweya, col. 1, lines 36-41). According to Aweya, requests of the server farm made using a web browser are distributed by

> first generating a web server request distribution function for each of the plurality of web servers based upon performance measures of each of the plurality of web servers, wherein each of the plurality of web servers is assigned a respective probability range based upon each respective web server request distribution function. A random probability number, which typically has a value ranging from 0 to 1, is then generated for a web server request. The particular probability range encompassing the random probability number is then determined so as to identify the corresponding web server to which the web server request is to be distributed.

(Aweya, col. 3, lines 21-33).

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Consequently, Tripathi merely teaches using email to communicate with a server and does not teach or suggest anything relevant to the claimed redirector that "selectively match[es] an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element." Aweya merely teaches distributing HTTP or browser-based requests among the servers of a server farm. Thus, Aweya also does not teach or suggest the claimed email redirector and does not even mention email.

Finally, Peterson is a textbook that merely describes, among other things, the basic protocols and methods used for email communication. Peterson describes the message transfer protocols that are used to send email, the way that email transmissions are formatted, and the use of gateways to further the transmission of emails. Peterson does not teach or suggest anything about a redirector that routes email data based on the availability of computing resources rather than an email address.

With regard to the claimed email redirector, the Office Action refers primarily to the teachings of Tripathi. (Final Office Action, pp. 2-4). Specifically, the Office Action construes Tripathi's mail agent (130, Fig. 2) as the claimed redirector. (Final Office Action, p. 3). Tripathi's mail agent cannot, however, be read on the claimed redirector for at least the following reasons.

Claim 1 recites, "wherein said redirector is configured to selectively match *an available computing element* with a specific service request of an incoming email, *whether or not said email is addressed to a specific computing element*, and forward at least a portion of the email to that available computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." In contrast, Tripathi expressly teaches away from this subject matter.

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With regard the mail agent (130), Tripathi states that an incoming email message to the mail agent (130) will "specify whether the service requested relates to a specific server, such as server 330, server 340, or another computer within a network, or whether the service is applicable to one or more specific servers within the network, or to all such servers." (Tripathi, ¶ [0030]). There is no indication in Tripathi of a component, like the claimed redirector, that is able to process an email and selectively match an available computing element with a service request "whether or not said email is addressed to a specific computing element." The mail agent (130) of Tripathi, cited in this regard by the Office Action, is only described as receiving emails that specify which of the servers that message relates to. Nowhere in Tripathi is it taught or suggested that the mail agent may choose which server gets the service request based on resource availability.

The final Office Action appears to presume that citing Aweya somehow erases the fact that Tripathi explicitly calls for email messages to be routed using specific server addresses. (final Office Action, p. 11). This is clearly erroneous. Tripathi specifically teaches away from the claimed invention by specifying that email is routed to the specific server addressed in that email and not routed in the discretion of a redirector as claimed.

In this regard, the final Office Action argues that it would still "have been obvious to one of ordinary skill in the art to combine the teachings of Tripathi with Aweya by replacing the server cluster of Tripathi with the server cluster described in Aweya in order to realize the benefits described in Aweya to the server cluster of Tripathi, namely the ability to redirect requests based on probabilities resulting in less dropped requests." (final Office Action, p. 12). This argument, however, completely overlooks the fact that the Aweya's system has absolutely nothing to do with email or routing email and does not teach or suggest anything similar to the claimed email redirector. As noted above, email is not even mentioned in

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Aweya. Rather, Aweya teaches a system for managing a server farm that is accessed through a web browser and the world wide web. (Aweya, col. 1, lines 36-41).

In light of the above summary of the cited references (Tripathi, Aweya and Peterson) and Claim 1, it is respectfully submitted that the Examiner has failed to resolve the *Graham* factual inquiries by failing to properly ascertain the actual differences between the cited prior art references and Claim 1 for at least the following reasons:

1 — None of the references disclose the claimed redirector as set forth in claim 1.

2 — Tripathi does not disclose routing email data among a plurality of computing resources based on the availability of the computing resource rather than an email address.

3 — Aweya does not disclose anything with respect to email, rather Aweya discloses web based management which does not spontaneously equate to email based management.

4 — Peterson does not disclose routing email data among a plurality of computing resources based on the availability of the computing resource rather than an email address.

As the *Graham* factual inquires are not properly resolved, application of any of the rationales (A)-(G) as set forth in the guidelines is futile because Tripathi, Aweya and Peterson, alone or in combination, utterly fail to provide all of the claim elements as set forth in claim 1, e.g. an email redirector, separate from a mail server, "communicatively connected to said mail server and each of said computing elements, wherein said redirector receives email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein

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said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements."

As explained in Appellant's specification, with the claimed redirector, the plurality of computing elements can flexibly provide services to network users with all of the various computing elements being optimally utilized to provide services without it being necessary for any component but the redirector to track which computing elements are engaged in which services. (Appellant's specification, paragraph 0048). This is a significant advantage that is not available to, or enabled by, the prior art of record. Clearly, the claimed redirector would not have been obvious to one of skill in the art based on the dissimilar and much simpler mail agent taught by Tripathi, even in combination with the teachings of Aweya and Peterson, neither of which describe such an email redirector.

Moreover, because the Examiner has failed to ascertain the actual differences between claim 1 and Tripathi, Aweya and Peterson, the combination of Tripathi, Aweya and Peterson would not have made obvious **all** of the features as recited in claim 1. As such, there was never a proper rationale for the combination when such a combination failed to address all of the claim limitations. For at least these reasons, Tripathi, Aweya and Peterson cannot support a rejection of claim 1 under § 103 and *Graham*. In other words, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Tripathi and Peterson clearly fail to teach or suggest all the

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features of claim 1. For at least these reasons, the rejection of claim 1 and its dependent claims based on Tripathi, Aweya and Peterson should not be sustained.

Additionally, claim 1 further recites, "wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email, whether or not said email is addressed to a specific computing element, *and forward at least a portion of the email to that available computing element* so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." In contrast, the combination of Tripathi, Aweya and Peterson does not teach or suggest this subject matter. The combination of Tripathi, Aweya and Peterson does not teach or suggest a redirector that processes email and forwards at least a portion of the email to the available computing element.

The mail agent (130) taught by Tripathi that the Office Action construes as the redirector does not forward any of the email to the servers in the system. Rather, the mail agent contains a decipherer (220), and a service performer (240) that decodes the email message and directly performs the requested service on the specified server or servers. (Tripathi, Fig. 2; ¶¶ [0023], [0026]-[0028]). It is clear from this description that the mail agent of Tripathi "may connect to a server" and "execute an action on the server." (Tripathi, ¶ [0028]). However, Tripathi does not teach or suggest *"forward[ing] at least a portion of the email to that available computing element* so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements." (Emphasis added). Similarly, neither Aweya nor Peterson teach or suggest this subject matter.

Again, the scope and content of the prior art does not include the claimed redirector that *"forward[s] at least a portion of the email to that computing element so as to deliver*

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said command or data to that specific service, such that said redirector serves as an email

proxy for said plurality of computing elements." This significant difference from the prior art

would clearly not have been obvious to one of ordinary skill in the art from the Tripathi's

teachings regarding a mail agent, as cited above. For at least these additional reasons,

Tripathi, Aweya and Peterson cannot support a rejection of claim 1 under § 103 and *Graham.*

Thus, the rejection based on Tripathi, Aweya and Peterson should not be sustained.

Claim 11:

Independent claim 11 recites:

A method of providing services with a computer network that comprises a plurality of computing elements each of which comprise general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services that are controlled or operated by commands or data received via email, and a redirector, communicatively connected to each of said computing elements; said method comprising:
receiving an email message, said message containing a command or data configured for a specific service on one of said computing elements, wherein said email message relates to said specific service, *with or without being addressed to a specific computing element;* and
routing at least some of said email message comprising said command or data to a corresponding computing element to control or execute said specific service, such that said redirector serves as an email proxy for said computing elements, wherein *said redirector determines which computing element receives said command or data from said email message based on the specific service to which that email message relates.*
(Emphasis added).

In contrast, as demonstrated above, the combination of Tripathi, Aweya and Peterson

fails to teach or suggest a method that includes "receiving an email message, said message

containing a command or data configured for a specific service on one of said [plurality of]

computing elements, wherein said email message relates to said specific service, *with or*

without being addressed to a specific computing element." (Emphasis added). Tripathi,

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Aweya and Peterson further fail to teach or suggest "routing at least some of said email message comprising said command or data to a corresponding computing element to control or execute said specific service, such that said redirector serves as an email proxy for said computing elements, *wherein said redirector determines which computing element receives said command or data from said email message based on the specific service to which that email message relates.*" (Emphasis added).

As demonstrated above, the combination of Tripathi, Aweya and Peterson fails to teach or suggest routing at least some of an email message "based on the specific service to which that email message related" rather than an email address, where the email is handled *"with or without being addressed to a specific computing element."* (Emphasis added).

Under the analysis required by *Graham*, the scope and content of the prior art, as evidenced by Tripathi and Peterson, clearly fails to include the claimed method in which email containing a command or data configured for a specific service is routed, with or without being addressed to a specific computing element, based on the specific service to which that email message relates. The advantages of this significant difference over the prior art are noted above. Moreover, because the Examiner has failed to ascertain the actual differences between claim 11 and Tripathi, Aweya and Peterson, the combination of Tripathi, Aweya and Peterson would not have made obvious all of the features as recited in claim 11. For at least these reasons, Tripathi, Aweya and Peterson cannot support a rejection of claim 11 under § 103 and *Graham*. Therefore, the rejection of claim 11 and its dependent claims should not be maintained, but should not be sustained.

Claims 4-6 depend from claim 1. Claims 13, 14, 15, 16 and 21 depend from claim 11. These claims are clearly allowable over the cited prior art for at least the same reasons given above in favor of the independent claims, incorporated here by reference. Moreover, the

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additional limitations presented by each dependent claim only further differentiate the claims from the cited references. For example, claims 14 and 15:

Claim 14:

Additionally, the various dependent claims of the application recite additional subject matter that is not taught or suggested by the prior art of record. Specific, non-exclusive examples follow.

Claim 14 recites "wherein said step of extracting an access function further comprises extracting a service from said email, and said step of complying with said extracted access function further comprises *loading the extracted service to one of said computing elements with available computing resources.*" (Emphasis added). In contrast, none of the cited prior art references teach or suggest this subject matter. *In fact, claim 14 does not appear to be included in any of the rejections in the final Office Action and has not been addressed in the final Office Action.* For at least these reasons, claim 14 is clearly in condition for allowance.

Claim 15:

Claim 15 recites "wherein said commands or data comprise a specified location from which a service is to be obtained, said method further comprising obtaining said service from said specified location." In contrast, the cited prior art references do not teach or suggest this subject matter. There is no suggestion in the prior art of obtaining a service from a location specified in an email that is routed to a computing resource in the discretion of an email redirector. *Moreover, the final Office Action does not specifically address claim 15 or indicate how or where the subject matter of claim 15 is found in the prior art.* (*See* Office

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Final Office Action, paragraph 7). For at least these additional reasons, the rejection of claim 15 should not be sustained.

Accordingly, withdrawal of the rejection and allowance of claims 4-6, 13-16 and 21 is respectfully requested.

(2) Claims 2, 3, 8, 9, 12, 17, 18 and 24 are patentable over Tripathi, Aweya Peterson and Motoyama:

This rejection should not be sustained for at least the same reasons given above with respect to the independent claims as discussed above and incorporated here by reference. Moreover, as demonstrated above, the Examiner has failed to ascertain the actual differences between claims 1 and 11 and Tripathi, Aweya and Peterson. The addition of Motoyama does not remedy any of the deficiencies of the three principal references. Motoyama discloses sending specific control commands via email to a piece of office equipment. (Motoyama, abstract). However, Motoyama, like the other cited references, does not teach or suggest the claimed redirector or the routing of service requests based on resource availability and not specific addressing. Therefore, the addition of Motoyama does not resolve the actual differences between the cited prior art and claimed subject matter. In short, a proper *Graham* analysis still has not been performed. Further additional points of distinction over the cited references are also provided.

Claim 8:

Additionally, claim 8 recites: "a firewall through which said email messages are received, said mail server and redirector both being protected within a common firewall." Claim 17 recites similar subject matter. In this regard, the Office Action takes "Official

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Notice" "that both the concept and advantages of providing for a firewall to protect the email processing center is well known." (Final Office Action, p. 7). This is irrelevant. Appellant has not "traversed" the Official Notice taken, bur rather has pointed out that the Notice taken does *not* support the conclusion of obviousness drawn by the final Office Action. (final Office Action, p. 14).

Claim 8 does not merely recite a firewall, but that both a server and redirector and defined and claimed by Appellant are protected within a common firewall. This subject matter has not been shown to be taught or suggested by the prior art of record. Due to the unique nature of the redirector disclosed and claimed by the Appellant, it is significant that the server and redirector are protected within a common firewall as recited in claim 8. In contrast, none of Tripathi, Aweya Peterson, or Motoyama teach that both the server and redirector are protected within a common firewall. Consequently, Appellant *again* requests that prior art actually teaching the features of claims 8 and 17 be introduced into the record or that the rejection of claims 8 and 17 be reconsidered and withdrawn.

Claim 9:

Claim 9 recites "further comprising a web client within said firewall communicating with said redirector to obtain access to said services." Claim 18 recites similar subject matter. Again, Tripathi, Aweya Peterson and Motoyama fail to teach or suggest this subject matter, and the Office Action fails to clearly indicate how or where the prior art teaches or suggests this subject matter. Thus, Appellant again requests that prior art actually teaching the features of claims 9 and 18 be introduced into the record or that the rejection of claims 9 and 18 be reconsidered and withdrawn.

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(3)   Claims 10, 19 and 20 are patentable over Tripathi, Aweya, Peterson, Motoyama and Weber:

This rejection should not be sustained for at least the same reasons given above with respect to the independent claims.

Claim 10:

Additionally, claim 10 recites "wherein said redirector generates web pages related to said services for said web client." Claims 19 and 20 depend, respectively from claims 18 and 11, and recite: "generating web pages for a [said] web client with said redirector, said web pages being related to said services."

In this regard, the Office Action cites to Weber at Fig. 7 and col. 14, lines 23-41. (Final Office Action, p. 8). However, these portions of Weber do not teach or suggest a redirector, as disclosed and claimed. Appellant notes again the unique nature of the redirector disclosed and claimed by Appellant which has been explained above. Consequently, because neither Weber nor the other cited prior art teach or suggest such a redirector, Weber and the other cited prior art must also fail to teach or suggest the claimed redirector that generates web pages relating to the services provided on a plurality of connected computing elements for which the redirector serves as an email proxy. For at least this additional reason, the rejection of claims 10, 19 and 20 should not be sustained.

(4)   Claims 22, 23, 26-29, 31 and 32 are patentable over Tripathi, Aweya, Peterson, and Hartman:

This rejection should not be sustained for at least the same reasons given above with respect to the independent claims.

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Claim 26:

Additionally, claim 26 recites:

> A computer network for providing electronic services comprising:
> a plurality of computing elements each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services, wherein said services can be controlled or executed by commands or data transmitted via email;
> a mail server for receiving and routing email; and
> a redirector, separate from said mail server and said plurality of computing elements, communicatively connected to said mail server and each of said computing elements, wherein said redirector receives email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements; and
> *a service handler on at least one of said computing elements for automatically obtaining an electronic service using an incoming email and installing that service on the computing element corresponding to the service handler.*

(Emphasis added).

In contrast, the cited prior art references do not teach or suggest the claimed network including both an email redirector and the claimed service handler that automatically obtain[s] an electronic service using an incoming email and installing that service on the computing element corresponding to the service handler." In this way, a service that was not available on the computing element before is made available in response to the incoming email request directed to that computing element in the discretion of the redirector. There is absolutely no such teaching or suggestion in the prior art of record.

Moreover, as in the case of independent claims 1 and 11, the Examiner has not properly completed the Graham analysis as the cited references do not disclose **ALL** of the claimed elements as set forth in independent claim 26. The final Office Action fails to specifically address claim 26 or these unique aspects of claim 26. (*See* final Office Action, paragraph 17). The application of any of the rationales (A)-(G) as set forth in the guidelines

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is a moot exercise as a proper foundation for obviousness has not been established. For at least these additional reasons, the rejection of claim 26 and its dependent claims should not be sustained.

(5)   Claim 25 is patentable over Tripathi, Aweya, Peterson, Motoyama and Hartman:

This rejection should not be sustained for at least the same reasons given above with respect to the independent claims.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of January 15, 2008 is respectfully requested.
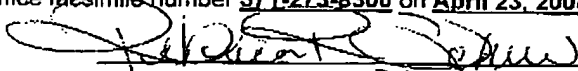
Respectfully submitted,

DATE: April 23, 2008

Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095
(801) 572-8066
(801) 572-7666 (fax)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on April 23, 2008. Number of Pages: 38

Rebecca R. Schow

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VIII. CLAIMS APPENDIX

1.   (previously presented)A computer network for providing services comprising:

a plurality of computing elements each of which comprises general-purpose,

programmable computing resources that can be selectively programmed for supporting one or

more of a plurality of different electronic services, wherein said services are controlled or

operated by commands or data transmitted via email;

a mail server for receiving and routing email; and

a redirector, separate from said mail server, communicatively connected to said mail

server and each of said computing elements, wherein said redirector receives email from said

mail server, wherein each email contains a command or data for a specific said service, with

or without being addressed to a specific computing element, and wherein said redirector is

configured to selectively match an available computing element with a specific service

request of an incoming email, whether or not said email is addressed to a specific computing

element, and forward at least a portion of the email to that available computing element so as

to deliver said command or data to that specific service, such that said redirector serves as an

email proxy for said plurality of computing elements;

wherein said electronic services are controlled by said email routed by said redirector

among said plurality of computing elements.

2.   (original)   The network of claim 1, wherein:

each of said plurality of computing elements comprises a service handler; and

said service handler on a computing element extracts an access function from an

incoming email message and complies with said extracted access function.

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3.   (previously presented) The network of claim 1, wherein said redirector comprises a mail router for routing email messages.

4.   (previously presented) The network of claim 1, wherein:

said redirector comprises a service handler for extracting an access function from incoming email messages; and

said service handler complies with said extracted access function by transmitting commands or data to at least one of said plurality of computing elements supporting said services.

5.   (previously presented) The network of claim 4, wherein said commands or data comprises a service.

6.   (previously presented) The network of claim 4, wherein said commands or data comprises a specified location where a service can be accessed.

7.   (cancelled)

8.   (previously presented) The network of claim 1, further comprising a firewall through which said email messages are received, said mail server and redirector both being protected within a common firewall.

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9.   (original)   The network of claim 8, further comprising a web client within said firewall communicating with said redirector to obtain access to said services.

10.   (original)   The network of claim 9, wherein said redirector generates web pages related to said services for said web client.

11.   (previously presented) A method of providing services with a computer network that comprises a plurality of computing elements each of which comprise general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services that are controlled or operated by commands or data received via email, and a redirector, communicatively connected to each of said computing elements; said method comprising:

receiving an email message, said message containing a command or data configured for a specific service on one of said computing elements, wherein said email message relates to said specific service, with or without being addressed to a specific computing element; and

routing at least some of said email message comprising said command or data to a corresponding computing element to control or execute said specific service, such that said redirector serves as an email proxy for said computing elements, wherein said redirector determines which computing element receives said command or data from said email message based on the specific service to which that email message relates.

12.   (original)   The method of claim 11, further comprising:

routing an email message to a computing element with said redirector;

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extracting an access function from that email message with a service handler on that

computing element; and

complying with said extracted access function.

13.   (previously presented) The method of claim 11, further comprising:

extracting an access function from incoming email messages with a service handler on

said redirector; and

complying with said extracted access function by transmitting commands or data from

said email message to one of said plurality of computing elements supporting said services.

14.   (previously presented) The method of claim 13, wherein said step of extracting

an access function further comprises extracting a service from said email, and said step of

complying with said extracted access function further comprises loading the extracted service

to one of said computing elements with available computing resources.

15.   (previously presented) The method of claim 13, wherein said commands or

data comprise a specified location from which a service is to be obtained, said method further

comprising obtaining said service from said specified location.

16.   (original)   The method of claim 11, further comprising:

receiving email with a mail server; and

transferring email containing an access function to said redirector as proxy for said

plurality of computing elements.

17.   (original)   The method of claim 16, further comprising protecting said mail server and redirector with a firewall through which said email messages are received.

18.   (original)   The method of claim 17, further comprising accessing said services with a web client within said firewall that communicates with said redirector.

.19.   (original)   The method of claim 18, further comprising generating web pages for said web client with said redirector, said web pages being related to said services.

20.   (original)   The method of claim 11, further comprising generating web pages for a web client with said redirector, said web pages being related to said services.

21.   (original)   The method of claim 11, further comprising sending a response email message following compliance with said extracted access function.

22.   (previously presented) The network of claim 1, wherein said redirector is configured to extract a service from an incoming email and launch said extracted service on one of said computing elements.

23.   (previously presented) The network of claim 22, wherein said redirector determines on which computer element to launch said service.

24.   (previously presented) The network of claim 1, wherein at least one of said computing elements comprises a service handler.

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25.   (previously presented) The network of claim 24, wherein said service handler downloads a service from an address taken from an incoming email message.

26.   (previously presented) A computer network for providing electronic services comprising:

a plurality of computing elements each of which comprises general-purpose, programmable computing resources that can be selectively programmed for supporting one or more of a plurality of different electronic services, wherein said services can be controlled or executed by commands or data transmitted via email;

a mail server for receiving and routing email; and

a redirector, separate from said mail server and said plurality of computing elements, communicatively connected to said mail server and each of said computing elements, wherein said redirector receives email from said mail server, wherein each email contains a command or data for a specific said service, with or without being addressed to a specific computing element, and wherein said redirector is configured to selectively match an available computing element with a specific service request of an incoming email and forward at least a portion of the email to that computing element so as to deliver said command or data to that specific service, such that said redirector serves as an email proxy for said plurality of computing elements; and

a service handler on at least one of said computing elements for automatically obtaining an electronic service using an incoming email and installing that service on the computing element corresponding to the service handler.

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27.   (previously presented)   The network of claim 26, wherein said service handler is configured to extract said service from said incoming email.

28.   (previously presented) The network of claim 26, wherein said service handler is configured to obtain said service from a location specified in said incoming email and then install that service.

29.   (previously presented) The network of claim 26, wherein said services are controlled by email messages routed by said redirector among said plurality of computing elements.

30.   (cancelled)

31.   (previously presented) The network of claim 26, further comprising a separate service handler on each of said plurality of computing elements.

32.   (previously presented) The network of claim 6, wherein said specified location comprises a Universal Resource Locator (URL) address.

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IX. Evidence Appendix

None

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X. Related Proceedings Appendix

None

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XI. Certificate of Service

None

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